

City Council
Atlanta, Georgia

04-O-2306

AN ORDINANCE
BY: ZONING COMMITTEE

U-04-29
Date Filed: 10-21-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-011.005(1)(l), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for **Outdoor Dining** is hereby approved. Said use is granted to KARL F. BITTER and is to be located at **1920 Howell Mill Road, N.W.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 153 of the 17th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

U-04-29

LEGAL DESCRIPTION

U1102146

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 153 OF THE 17TH DISTRICT, FULTON COUNTY, CITY OF ATLANTA, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF HOWELL MILL ROAD AND BECK STREET; RUNNING THENCE N 11° 00' 00" E ALONG THE WESTERLY-MOST RIGHT OF WAY OF HOWELL MILL ROAD, A DISTANCE OF 144.04 FT. TO AN IRON PIN SET; THENCE N 85° 52' 00" W, A DISTANCE OF 185.01 FT. TO AN IRON PIN SET; THENCE N 09° 04' 30" E, A DISTANCE OF 33.00 FT. TO AN IRON PIN SET; THENCE N 85° 53' 08" W, A DISTANCE OF 52.81 FT. TO AN IRON PIN SET; THENCE S 09° 32' 52" W, A DISTANCE OF 146.92 FT. TO AN IRON PIN SET ON THE NORTHERLY-MOST RIGHT OF WAY OF BECK STREET; THENCE S 78° 35' 00" E ALONG THE NORTHERLY-MOST RIGHT OF WAY OF BECK STREET, A DISTANCE OF 233.50 FT. TO A CHISEL MARK IN CONCRETE, AND THE POINT OF BEGINNING. SAID ABOVE DESCRIBED TRACT CONTAINING 0.7359 ACRES.

DEED & PLAT REFERENCES

WARRANTY DEED, DEED BOOK 1703, PAGE 297
WARRANTY DEED, DEED BOOK 4893, PAGES 357 & 359
WARRANTY DEED, DEED BOOK 5545, PAGE 118
WARRANTY DEED, DEED BOOK 1799, PAGE 99
WARRANTY DEED, DEED BOOK 3066, PAGE 194
WARRANTY DEED, DEED BOOK 5296, PAGE 198
WARRANTY DEED, DEED BOOK 2910, PAGE 403
WARRANTY DEED, DEED BOOK 5448, PAGE 507
LEASE AGREEMENT, DEED BOOK 2854, PAGE 65
MEMORANDUM OF LEASE, DEED BOOK 4898, PAGE 238
WARRANTY DEED, DEED BOOK 7992, PAGES 403-406
WARRANTY DEED, DEED BOOK 8142, PAGE 190 (RIGHT OF WAY)
GA. POWER EASEMENT, DEED BOOK 8014, PAGES 261-266 (BURNKET)
PLAT, PLAT BOOK 89, PAGE 100
PLAT, PLAT BOOK 2, PAGES 194 & 195
TOPO & BOUNDARY SURVEY FOR SHELL OIL COMPANY DATED FEBRUARY 25, 1966 BY C. R. ROBERTS.
TOPO SURVEY FOR RED & BALDWIN DATED MARCH 1958 BY L. H. FITZPATRICK, C.E.
BOUNDARY & TOPO SURVEY FOR HARDEE'S FOOD SYSTEMS, INC. BY COFER TECHNICAL SERVICES, INC. DATED JULY 11, 1981, LAST REVISED DECEMBER 9, 1982.

DEED BOOK 7983, PAGE 30,
INDEMNITY AGREEMENT

SURVEY NOTES:

1. TRACT SHOWN IS A PORTION OF HARDEE'S TOTAL TRACT. DIVIDING LINE IS PER AGREEMENT FOR SELL OFF OF WESTERLY PORTION OF TRACT, AS BEING COORDINATED WITH WAYNE KING AND BOB KERSTIENS OF HARDEE'S PMI.
2. 5 FT. RIGHT OF WAY DEDICATION TO CITY OF ATLANTA AT HOWELL MILL ROAD SINCE DATE OF ORIGINAL SURVEY.
3. ENCROACHMENTS INCLUDE LIGHT POLE & BASE & NORTHERLY PROPERTY LINE AND LIGHT BASE & SOUTHERLY PROPERTY LINE AND CONCRETE SIDEWALK ENCROACHING ACROSS SOUTHEASTERLY CORNER. MARTA BUS STOP WITH CONCRETE BLOCK WALLS AND BRICK WALK EXIST & S.E. CORNER. < CONCRETE DRIVE 1.15' OVER S.W. CORNER.
4. EASEMENTS OF RECORD AS SHOWN RECORDED ABOVE, INCLUDING GEORGIA POWER EASEMENT, PER DEED BOOK 8014, PAGE 261. SLOPE EASEMENT WITH GULF OIL ALLOWED PLACEMENT OF FILL MATERIAL & NORTHERLY PROPERTY LINE.
5. SIGN SIZE, HEIGHT & LOCATION PER VARIANCE GRANTED BY CITY OF ATLANTA.
6. WESTERLY PORTION OF SITE WAS ORIGINALLY ZONED R-5. CITY ALLOWED A PORTION OF HARDEE'S DEVELOPMENT INTO THAT ZONE.

BUILDING SETBACKS

FRONT STREET - 40' BACK OF RIGHT OF WAY
LEFT SIDE STREET - 30' BACK OF RIGHT OF WAY
RIGHT SIDE YARD - 0' TO PROPERTY LINE
REAR YARD - 0' TO PROPERTY LINE & C-1 ZONE.

*Out door
Plates for section
not allowed.
Special use
Permit required*

*1) interior alt &
2) misc site work
No addition*

*3) No sign
under this
point*

30.8)

CITY OF ATLANTA
BUREAU OF BUILDINGS
ZONING REVIEW
APPROVED
15/104
Date
AS RECD
Reviewed By
MS. BARFIELD
X6191

AS

INTERIOR

50 N

ATL

404.00

ATLANTA, GA

MEX

1920

Atlas

2

1